

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:18-00174-001

JAMES TRAVIS MILLER

**MEMORANDUM OPINION AND ORDER**

By letter motion dated September 6, 2019, defendant requested early release from his term of probation. In his letter, defendant maintains that early termination of his term of probation would allow him to pursue better job opportunities outside of West Virginia.

18 U.S.C. § 3564(c) governs the early termination of a defendant's term of probation and provides that "[t]he court, after considering the factors set forth in 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice." "Early termination of probation `is not warranted as a matter of course.'" United States v. Rusin, 105 F. Supp.3d 291, 292 (S.D.N.Y. 2015) (quoting United States v. Gerritson, No. 01 cr. 1081, 2004 WL 2754822, at \*3 (S.D.N.Y. Dec.

1, 2004)). In the context of early termination of a term of supervised release, one court has noted that "[c]ircumstances that justify early discharge have included exceptionally good behavior that makes the previously imposed term of supervised release 'either too harsh or inappropriately tailored to serve' general punishment goals." Folks v. United States, 733 F. Supp.2d 649, 651 (M.D.N.C. 2010) (quoting United States v. Lussier, 104 F.3d 32, 36 (2d Cir. 1997)).

The court has considered defendant's background, his performance while on probation, and the recommendation of the United States Probation Office. The court has further considered the 3553(a) factors, as well as the interest of justice and has determined that defendant has not presented the type of exceptional case that would merit the early termination of his term of probation. Accordingly, defendant's motion is **DENIED**.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the Probation Office of this court, and to defendant.

**IT IS SO ORDERED** this 17th day of December, 2019.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge